UNITED STATES DISTRICT COURT NORTHEN DISTRICT OF ALABAMA SOUTHERN DIVISION

DAVID WAYTON,)
Plaintiffs,)
V.) Civil Action No.:) 2:12-CV-838-AK
UNITED MINE WORKERS)
OF AMERICA HEALTH AND)
RETIREMENT FUNDS,)
Defendant.)

MOTION FOR SUBSTITUTION OF PARTIES

Jamie Cox, as personal representative of the Estate of David Wayton, moves the Court to enter an order substituting her as plaintiff in this civil action. Cox was issued letters of administration by the Probate Court of Chilton County, Alabama on November 13, 2012 to serve as personal representative of the Estate of David Wayton. True and correct copies of the letters of administration are attached to this motion.

DATE: January 22, 2013.

/s/ Wayne Morse, Jr. Wayne Morse, Jr.

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> <u>/s/ Samuel Maples</u> Samuel Maples

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Attorneys for David Wayton and Jamie Cox, as personal representative of the Estate of David Wayton.

CERTIFICATE OF SERVICE

I hereby certify that I have on January 22, 2013, served a copy of the above and foregoing pleading upon all parties and counsel of record to the said cause by email as follows:

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> <u>/s/ Wayne Morse, Jr.</u> OF COUNSEL